

1960

c 20 Architects Act

Ontario

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CHAPTER 20

The Architects Act

1. The Ontario Association of Architects, hereinafter called the "Association", is continued as a body corporate. R.S.O. 1950, c. 21, s. 1.

The Ontario Association of Architects continued

2. The objects of the Association are to promote and increase the knowledge, skill and proficiency of its members in all things relating to the profession of architecture and to advance and maintain a high standard in the practice of architecture in Ontario, and to those ends to establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences. R.S.O. 1950, c. 21, s. 2.

Objects

3. The Association may acquire by purchase, lease or otherwise and take and possess for its purposes, but for no other purposes, and after acquiring the same, may sell, mortgage, lease or dispose of any real estate. R.S.O. 1950, c. 21, s. 3.

Power to hold real estate

4. The property and assets of the Association and the Architects' Registration Board shall, from and after the 1st day of July, 1935, become the property of the Association and be vested in it, and all liabilities of the Association and Board as of such date shall become liabilities of the Association and shall be paid and satisfied by it. R.S.O. 1950, c. 21, s. 4.

Assets and liabilities of Association and Architects' Registration Board consolidated

5. The head office of the Association is at the City of Toronto. R.S.O. 1950, c. 21, s. 5.

Head office

6. All persons whose names were in good standing as of the 30th day of June, 1935, on the Register of the Architects' Registration Board and all persons thereafter admitted to membership in the Association are members of the Association and shall continue as such until such membership lapses or is suspended or cancelled. R.S.O. 1950, c. 21, s. 6.

Membership

7.—(1) Membership in the Association shall be granted by the Registration Board of the Association on application to it if the applicant,

Qualifications for membership

(a) is of good character;

- (b) is not less than twenty-one years of age;
- (c) has passed the prescribed examination of the Registration Board or is exempted therefrom pursuant to its regulations;
- (d) is domiciled in Ontario;
- (e) is a British subject, or has taken the oath of allegiance and declared his intention of becoming a British subject. R.S.O. 1950, c. 21, s. 7.

Corporations
excluded

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. 1953, c. 5, s. 1.

Non-resident
architects
desiring to
practise

8. Membership in the Association or temporary licences to practice in Ontario may be granted, upon such terms and subject to such conditions as the Registration Board by regulation provides, to any person who is a British subject domiciled outside of Ontario but within the Commonwealth who is a member of an association or society of architects within the Commonwealth recognized by the Board. R.S.O. 1950, c. 21, s. 8.

Council of
Association

9.—(1) There shall be a council of the Association herein-after called the "Council" which shall consist of six members who shall be elected and hold office as hereinbefore provided and where the immediate past president of the Association has not been re-elected to Council, he shall also be a member thereof until he ceases to be the immediate past president, and Council shall have power by by-law to increase the number of its members.

Electoral
districts

(2) At least one member of Council shall be elected from each of five electoral districts to be known as the "Windsor", "Hamilton", "Toronto", "London" and "Ottawa" districts, and the five districts shall be composed as set forth in the Schedule, but Council may by by-law alter the composition of any of the electoral districts and in any by-law increasing the number of members of Council may provide for the creation of one or more new electoral districts and for the election of at least one member of Council from each new district.

Inclusion of
city or town

(3) The electoral districts respectively include any city or separated town situate in any of the counties or territorial districts forming part of such electoral districts.

(4) Members of Council shall hold office for three years ^{Term of office} from the 1st day of January following the date of their election.

(5) Any member of Council may resign by letter addressed ^{Filling vacancies} to the president of the Association, and every vacancy caused by the death, resignation or incapacity to act of a member shall be filled by a member of the Association appointed by a majority vote of the members of Council still in office, if a quorum remains in office; otherwise an election shall be held to fill the vacancies, and a member of Council appointed or elected to fill a vacancy shall hold office only until the expiration of the term of the member so dead, resigned or incapacitated, and he shall be from the electoral district of the member whose place he is elected or appointed to fill.

(6) A retiring member of Council is not eligible for re- ^{Re-election} election for the year immediately following his retirement, except where he is the president or vice-president at the date of his retirement. R.S.O. 1950, c. 21, s. 9.

10.—(1) The Registration Board of the Association, herein- ^{Registration Board} after called the "Board", is continued and shall carry on the functions of the Architects' Registration Board established under *The Architects' Act, 1931*, except as herein varied, and ^{1931, c. 43} the Board shall be composed as follows:

1. One member of the Association to be appointed by ^{University appointees} the University of Toronto and one member of the Association by each other university, college or body in Ontario that is by law authorized to grant degrees in architecture and that establishes and maintains to the satisfaction of the Board a faculty, school or department of architecture in connection therewith, each member appointed under this paragraph to hold office for a period of three years from the 1st day of January following his appointment.
2. One member of the Association to be appointed by ^{Government appointee} the Lieutenant Governor in Council, to hold office for a period of three years from the 1st day of January following his appointment.
3. Three members of the Association for the first ^{Elected members} appointee under paragraph 1 and one additional member of the Association for each additional appointee under paragraph 1, these members to be elected in the manner hereinafter provided, and each to hold office for three years from the 1st day of January following his election.

Eligibility
for re-
appointment

(2) Any member of the Board not otherwise disqualified is eligible for re-appointment or re-election at the expiration of his term, but a member of Council elected to the Board shall resign his seat on Council before taking his seat on the Board, and a member of the Board, while in office, is not eligible for election to Council.

Filling
vacancies

(3) Any member of the Board may resign by letter addressed to the chairman of the Board, and every vacancy on the Board caused by the death, resignation or incapacity to act of any member, if such member has been appointed under paragraph 1 of subsection 1, shall be filled by the university, college or body that appointed him, and, if such member has been appointed under paragraph 2 of subsection 1, by the Lieutenant Governor in Council, and, if such member has been elected under paragraph 3 of subsection 1, then by a majority vote of the members of the Board still in office, if a quorum is still in office; otherwise an election shall be held to fill the vacancy, and a member of the Board appointed or elected to fill the vacancy shall hold office only until the expiration of the term of the member so dead, resigned or incapacitated. R.S.O. 1950, c. 21, s. 10.

Right to
vote

11. All members of the Association are entitled to vote at elections for Council and for the elective members of the Board. R.S.O. 1950, c. 21, s. 11.

Regulations

12.—(1) The Board may make regulations,

- (a) for the admission of members of the Association and the annual renewal of membership therein;
- (b) prescribing the qualifications of persons to be admitted and the proofs to be furnished as to education, good character and experience;
- (c) prescribing examinations for admission and the method of conducting them;
- (d) for keeping a register of members of the Association and for issuing certificates of membership under the seal of the Association and calling in such certificates where membership lapses or is cancelled or suspended;
- (e) prescribing the fees to be paid on admission of members to the Association, by associates and student associates, on examinations, on annual renewal of membership in the Association and as annual fees by associates and student associates;

- (f) providing for the discipline and control of members of the Association, including provision for the signing or sealing of drawings and specifications prepared by members of the Association;
- (g) providing for the cancellation of membership for non-payment of fees and for the cancellation of membership where a member changes his domicile to some place outside the Commonwealth;
- (h) providing for the election of members of Council and of the elective members of the Board, for the holding of meetings of the Board and for fixing the quorum of the Board;
- (i) for the election of a chairman and vice-chairman and the appointment of a secretary and such other officers of the Board as it desires and for prescribing their duties, and, subject to the provisions hereinafter contained, for fixing their remuneration;
- (j) for granting temporary licences to practise architecture pursuant to section 8 and fixing the fees to be paid thereon;
- (k) generally for the better carrying out of the powers vested in the Board.

(2) A copy of such regulations shall be furnished to every member of the Association. Publication
of
regulations

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations, Disciplinary
regulations

- (a) providing for the investigation of any complaint that a member of the Association has been guilty of misconduct or incompetence, so as to render it desirable in the public interest that his membership be suspended or cancelled;
- (b) providing for the cancellation or suspension of the membership of any person found by the Board to be guilty of misconduct or incompetence and for the publication in the public press of notice of such cancellation or suspension and the reason therefor;
- (c) providing the terms and conditions on which a member whose membership has been cancelled may in a proper case be restored to membership.

Publication
of
regulations

(4) A copy of such regulations made shall be furnished to every member of the Association. R.S.O. 1950, c. 21, s. 12.

By-laws

13. The Council may pass by-laws,

- (a) for the control and management of the real and personal property of the Association;
- (b) instituting and furnishing means and facilities for the promotion of knowledge, proficiency and a high standard of ethics in all things relating to the practice of architecture;
- (c) providing for scholarships, lectures and exhibitions;
- (d) for the holding of meetings of the Association and the Council and fixing the quorum thereat;
- (e) for the election of a president, vice-president and treasurer of the Association and the appointment of a secretary and such other officers of the Association as Council desires and for prescribing their duties, and, subject to the provisions hereinafter contained, for fixing their remuneration;
- (f) for the election of associates, student associates, and honorary members;
- (g) appointing representatives to other architectural associations or bodies and maintaining connection with the Royal Architectural Institute of Canada;
- (h) generally for carrying out the objects of the Association in all matters other than those referred to in section 12, all of which are reserved for regulation by the Board. R.S.O. 1950, c. 21, s. 13.

Application
of funds of
the
Association

14. The Council shall provide from the funds of the Association all moneys required by the Board to enable it to function in accordance with the powers vested in it, and any funds of the Association may be applied in carrying out this Act and the regulations or by-laws made under it and in furthering the objects of the Association and paying the costs and expenses incurred for or incident to the enactment of this legislation. R.S.O. 1950, c. 21, s. 14.

Duty of
Council and
members in
respect of
complaints

15. It is the duty of each member of Council to bring before it all complaints of misconduct or incompetence on the part of any member of the Association that may be brought

to his attention and it is the duty of the Council to bring before the Board all such cases that in its opinion should be dealt with by the Board, but nothing herein prevents anyone from bringing before the Board any complaints of misconduct or incompetence on the part of any member of the Association. R.S.O. 1950, c. 21, s. 15.

16. There shall be paid to the members of the Council and the Board such fees for attendance and such reasonable travelling expenses as are fixed, in the case of the Board, by its regulations and, in the case of the Council, by by-law, such fees, exclusive of travelling expenses, not to exceed \$15 per meeting for the chairman of the Board and \$15 per meeting for the president of the Association and \$10 per meeting for any other member of the Board or the Council, but, where the secretary of the Board or the Council is also a member of the Board or the Council, he may be paid such salary as the body appointing him decides upon, in addition to or by way of substitution for his fee as a member of such body. R.S.O. 1950, c. 21, s. 16.

17. Subject to the approval of the Council, members may form themselves into groups for promoting the objects of the Association, and such groups shall be known as Chapters and, subject to the approval of Council, each Chapter has power to make by-laws for the admission of members and associates thereof, for the election of officers, the holding of meetings and for otherwise conducting its affairs. R.S.O. 1950, c. 21, s. 17.

18.—(1) Every person who, not being a member of the Association, or who, having been a member, has had his membership cancelled or is under suspension, or who, not being licensed under section 8, applies to himself the term "architect" alone or in combination with any other term, or who holds himself out as an architect, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for a first offence and to a fine of not less than \$300 and not more than \$500 or to imprisonment for a term of not more than three months, or both, for any subsequent offence. R.S.O. 1950, c. 21, s. 18 (1).

(2) Every corporation that applies to itself the term "architect" or "architects" alone or in combination with any other term or that holds itself out as an architect or as architects is guilty of an offence and the corporation or any director thereof, on summary conviction, is liable to a fine of not less than \$100 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000,

or to imprisonment for a term of not more than three months, or both, for a subsequent offence. 1953, c. 5, s. 2 (1).

Holding out
as architect
defined

(3) Without restricting the generality of subsections 1 and 2, any person who or corporation that prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for a proposed building structure or for a structural alteration of or addition to an existing building structure, when such proposed work is to cost more than \$10,000, shall be deemed to hold himself or itself out as an architect. R.S.O. 1950, c. 21, s. 18 (2); 1953, c. 5, s. 2 (2).

Proviso

(4) Nothing in this Act prevents or shall be deemed to prevent,

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- (a) any person from performing his duties in Her Majesty's naval, military or aerial service;
- (b) any member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act* or any employee or person working under the responsibility of such member or licensee from performing architectural services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an engineer;
- (c) any partnership, association of persons or corporation that is entitled to practise in its own name under *The Professional Engineers Act* in accordance with the conditions therein prescribed from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement;
- (d) any person or corporation from preparing a sketch, drawing or specification for a structure in, upon or pertaining to a mining property, or an alteration of or addition to an existing structure in, upon or pertaining to a mining property;
- (e) a *bona fide* member of an architect's staff from preparing a sketch, drawing or specification in the course of his employment under the supervision of the architect;
- (f) a *bona fide* building contractor, whether a person or corporation, or a *bona fide* member of such contrac-

tor's staff domiciled in Ontario from preparing a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor, or by tradesmen employed by such contractor, of a building structure, whether it be proceeded with or not, and obtaining remuneration therefor;

- (g) any person or corporation from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety;
- (h) any person or corporation from using the term "Landscape Architect";
- (i) any person in the course of his employment under the supervision of or in conjunction with an architect from preparing a sketch, drawing or specification for work to be undertaken by his employer;
- (j) any person, firm or corporation engaged in the business of selling pre-fabricated building structures from furnishing such drawings, diagrams and directions as are required for the assembling and erection of such structures. R.S.O. 1950, c. 21, s. 18 (3); 1953, c. 5, s. 2 (3-7).

(5) Associates, student associates and honorary members shall not be deemed to be members of the Association within the meaning of this section unless and until admitted to membership pursuant to section 6, 7 or 8, but an honorary member or associate who has at some time been a member of the Association may continue to apply to himself the term "architect", but may not practise architecture. R.S.O. 1950, c. 21, s. 18 (4). Students, honorary members, etc.

19. In the investigation of a complaint against a member of the Association, the Board has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. R.S.O. 1950, c. 21, s. 19. Board has power of commission under R.S.O. 1960, c. 323

20. No action shall be brought against the Board or the Council or any member or officer thereof for anything done under this Act or under any by-law or regulation passed in accordance therewith. R.S.O. 1950, c. 21, s. 20 (1), *part*. No action to lie against Board or Council

Appeal

21.—(1) Anyone whose membership has been suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order, and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of a judge of the Supreme Court presiding at a trial, and the Court of Appeal has power to confirm, vary, vacate or set aside such order or to make such other order as it deems just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal. R.S.O. 1950, c. 21, s. 20 (1), *part*.

Practising,
pending
appeal

(2) Pending an appeal, the person whose membership is suspended or cancelled may continue to practise, but, unless the order of suspension or cancellation is set aside, he shall not practise after the appeal has been disposed of, except that, in the case of suspension, he may practise upon and after the expiry of the period of suspension. R.S.O. 1950, c. 21, s. 20 (2).

False
certificates

22. Every architect who wilfully makes a false certificate with respect to any work done or with respect to the cost, value or condition of any work or building is guilty of an offence and, in addition to being liable in damages for any injury or loss thereby suffered, is on summary conviction liable to a fine of not more than \$100. R.S.O. 1950, c. 21, s. 21.

Witness
fees

23. Every architect summoned to attend a civil or criminal court for the purpose of giving evidence in his professional capacity, for each day he so attends, is entitled to \$5 in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1950, c. 21, s. 22.

Recovery
of fees

24. All fees fixed by the regulations of the Board shall be deemed to be a debt due to the Association and are recoverable with the costs of the suit in the name of the Association in the division court of the division in which the member liable resides or practises as an architect. R.S.O. 1950, c. 21, s. 23.

SCHEDULE

(Section 9 (2))

ELECTORAL DISTRICTS

Windsor

Counties of Essex, Kent, and Lambton.

Hamilton

Counties of Wentworth, Lincoln, Welland, Simcoe, Brant, Waterloo, Wellington, Grey, Haldimand, and Norfolk.

Toronto

Counties of York, Ontario, Peel, Halton, Durham, Northumberland, Hastings, Lennox and Addington, Dufferin, Peterborough, Haliburton, Victoria, Prince Edward, and the Districts of Haliburton, Parry Sound, Muskoka, Algoma, Manitoulin, Kenora, Rainy River, and Thunder Bay, and all places outside Ontario.

London

Counties of Middlesex, Huron, Bruce, Oxford, Elgin, and Perth.

Ottawa

Counties of Frontenac, Carleton, Renfrew, Lanark, Grenville, Dundas, Stormont, Glengarry, Prescott and Russell, and Leeds, and the Districts of Nipissing, Sudbury, Temiskaming, and Cochrane.

R.S.O. 1950, c. 21, Sched.

